

PTO/SB/25 (04-04)

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REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)
11738.00029

In re Application of: Petersen

Application No. 09/945,471

Filed: August 30, 2001

For: Method for Convective Enhanced Delivery Catheter to Treat Brain and Other Tumors

The owner*, Medtronic, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application No. 09/945,472, filed in August 30, 2001, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney of record. Registration No. 51,383.

February 18, 2005

Signature

Date

William J. Allen

Typed or printed name

312-463-5000

Telephone Number

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